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152 fight. The political integrument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

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The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of 'he Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

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[613] The kinsmen of a slain man try to kill the *gwas shanga*, the slayer, but they have a right to kill any of his close agnates (*gwas gwandis*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

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franged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen, what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories.

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values.

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern.

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed

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431 among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Fabor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

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554 Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

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the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

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can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

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We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyist*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyist* to another if there is one such female link between them anywhere in the lines of their descent,

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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyeny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *ru*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

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alluding to him as such in ordinary social life, for it is in rare situations that his being other than an aristocrat is relevant: to some extent in payment of blood-cattle, in questions of exogamy, and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rwɪ*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rwɪ*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic in sentiment and so ready to express it in violence a clan is given superior status in each tribe? We believe that the facts we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

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as parts of opposed segments, Gwea and Ghaak. It will be noted that these groups of tribes, often represented as families of clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane.

Gee and Ghaak and Gwea are represented as brothers, sons of a mythological ancestor, sometimes called Ghaa, the World, and sometimes Ran, Man, whose father is said to be Kwoth, God. Rū is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar.

All sons of Gee have agnatic kinship (*bah*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *bah* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes have dominant lineages of Dinka origin, descended from Kir, who was found in a gourd by a man of the Ngok Dinka, but, as was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *bah* relationship with some lineage system of the Ngok Dinka, and there-

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713 fore, in an unprecise political sense, the Jikany and Ngok Dinka
tribes have, by analogy, a fraternal relationship. It may safely
• 602 be assumed that at one time they had close intertribal relations.

619 The GAAWAR clan have also an independent origin, their ancestor
having descended from heaven. However, a number of mytho-
logical links unite him to the founders of various clans which
are dominant in tribes of the Ghaak group (see pp. 130-1), and
the Gaawar tribe therefore belongs to this group. Although the
Nile now separates it from the other members of the group it
was at one time their most northern extension on the west bank.
Owing to such relationship between GAAWAR and other clans
of the family of clans descended from Kwook, Gaawar are said to
go with the people of the Fadang section of the Bor tribe and
the Atwot people, who are said to have lived at one time between
the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between
exogamous clans and of cognatic and mythological ties between
clans not considered to be agnates, all the Nuer tribes are by
assimilation of political to kinship values conceptualized as a
single social system. A number of clans are not associated with
tribes, but their lineages are included in this system by the
affiliation of the clans to one or other of the large families of
clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are
descended from Gee and belong to the Gee group; the JIKUL
are mythologically attached to the Ril group and the JAKAR to
the Ghaak group; and so on. The whole of the Nuer are brought
into a single kinship or pseudo-kinship system and all the
territorial segments of Nuerland are interconnected by that
system.

XIII

619 In our view the unusual degree of genealogical segmentation
613 in the Nuer lineage system is to be understood in terms of tribal
614 structure, which is, as we have seen, characterized by its ten-
dency towards segmentation. The association of the lineage
system with the tribal system means that as the tribe splits into
segments so will the clan split into segments, and that the lines of
cleavage will tend to coincide, for lineages are not corporate
groups but are embodied in local communities through which
they function structurally. Just as a man is a member of a tribal

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The role of kinship values in Nuer society must be understood

PREFACE

unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

✓ CCC I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records*, *Uganda Journal*, *Africa*, *African Studies*, *Zeitschrift für Vergleichende Rechtswissenschaft*, *Social Structure*, *African Systems of Kinship and Marriage*, and *Man*, and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

113 * A. H. Allen, 'Cock's Pipe and Pyramid', *S.N. & R.*, 1940; P. Curat, 'Geri, the Witch-Doktor and the Pyramid of Dengkur', *ibid.*, 1939; P. F. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *ibid.*, 1945; 'On the Value of Iron among the Nuer', *Man*, 1945 (with B. A. Lewis) 'Nuer Ghosts: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "Nak" among the Nuer', *ibid.*, 1948; F. D. Kingdon, 'The Western Nuer Pastoral 1937-8', *ibid.*, 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer Col Wic', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer-English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

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- 22/ are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alignments are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

- 602 All the members of such a village or camp as I have briefly
 b13 described are kin. Before giving examples in illustration of this
 b14 statement I must say again what I have already said in *The Nuer*
 about the difference between lineage relations and kin relations
 because it is a very important difference. In speaking of lineages I
 refer to unilateral groups of kin—among the Nuer groups of
 2 (cf. cat. 116, pp. 2 ff. — Analyst)

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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnor*, children of the maternal uncle, or as *gaatwac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

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601 desired to particularize it as an exclusive descent group, a group of
 613 agnatic kin descended from a common ancestor. Nuer use the
 614 expressions *thok dwiel* or *thok mac*, literally the doorway to a hut
 or the hearth, to denote it; but these expressions are little used
 because abstraction of a lineage from its social and political matrix
 has only rarely to be made: on certain ritual occasions and in con-
 nection with feuds and rules of exogamy.

601 The distinction between an agnatic lineage relation and an
 602 agnatic kinship relation is clearly made by Nuer themselves, from
 whom indeed I learnt it. They use the word *buth* to describe
 agnatic kinship between collateral lineages, that is to say, kinship
 between groups and between individuals only in virtue of their
 membership of these groups. On the other hand, they use the
 word *mar* to describe any and every relationship of a kinship kind
 between persons. All persons with whom a man acknowledges any
 kind of kinship, through however many other persons, are *mar*,
 kin, to him. People say of him and of any such person '*teke mar*',
 'they have kinship'; and he speaks of any or all of his relations as
 '*jimarida*', 'my kinsmen'. The term *mar* includes relatives through
 the mother, the maternal kin, and through the father, the paternal
 kin. This is the meaning the word has when used by Nuer collect-
 ively and without restrictive qualification. Its sphere of reference is
 indicative of the balance we find in social life generally between
 the paternal kin and the maternal kin, a balance evident in the
 configurations of kin in local communities which I am about to
 describe. Nuer also sometimes use *mar* when speaking of affinal
 relations, especially when they are long established. In a broad
 sense they also are kin in the eyes of Nuer, just as in our own
 society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must
 also, in one way of speaking, be *mar* between the members of one
 and the members of the other, for the relationship between col-
 lateral lineages is agnatic and the members of the one must there-
 fore be patrilineal kin to the members of the other. The question
 therefore arises: at what point in the spread of an agnatic line,
 conceived of as a number of living patrilineal kinsmen, does inter-
 personal *mar* relationship become the inter-group relationship
 Nuer call *buth* so that these kinsmen divide into segmentary
 descent groups or lineages? The question may be put in another
 way: how many generations back do Nuer trace patrilineal ascent

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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601
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A Nuer, when asked about this matter, gave an historical explanation: In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thok*) and there remained only a lineage relationship (*ce dweth ni bush*). This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [518]

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin. [613]

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath* *buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *ru* between them, that is, they are 'strangers'. I omit further discussion about the 602
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000 inter-relations of collateral lineages because they do not have directly concern us.

III

- 621 Having made what preliminary explanations seemed to be
 602 necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *owor*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind—real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

- [101] The village of Konye is on a site on the left bank of the Fibor
 361 and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and attached homesteads was eighty to a hundred souls. I spent only a few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye.

The chief man of the village is Rue-Wor (homestead 9^k) and his son Deng-Rue (homestead 13^k) is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*roŋ*) and not as an aristocrat (*da*) in the Lou tribal territory where he resides, is the *tot*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruŋ wor*, an expression which appears to mean 'spittle of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village.

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community.

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships,

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621 and I must here say again that although *mar* is properly kin-
 602 ship traced through father or mother, long-standing affinal re-
 601 lationships count in Nuer eyes as being equal to kinship, being
 a kind of kinship through the children of marriage unions,
 especially when the affinal relatives live together, as so many of
 them do at Konye. As a Nuer at another village, Kurmayom on
 the Sobat river, put it: 'Well, you have seen my home and the
 people who live here; are they not the husbands of my sisters?
 Well, all our cattle are exhausted from giving them to our
 brothers-in-law. They are our people and form part of our com-
 munity (*cieng*) Nyabor. Their children are known by the names
 of their mothers while they remain in our village. If they go to the
 homes of their fathers they will be known by the names of their
 fathers'. Affines may therefore be regarded in a general social sense
 as *mar* and we may speak of Konye community as a cluster of kin.

[101] My second example is the village of Nyueny in the Leek tribal
 territory of western Nuerland. I spent five weeks there in 1936. The
 village is spread along the arc of a sandy ridge for about a mile and
 a half. It comprises three hamlets, Nyueny, Dakyil, and Kam-
 thiang, and about a mile to the north of it lies the hamlet of
 Dhorpan, the occupants of which used to form part of the main
 village. In 1936 the population of Nyueny was reckoned to be
 about 130 souls, distributed in twenty-six homesteads. As I had
 already recorded the genealogical pattern of other Nuer villages
 and camps I did not aim at drawing up a complete genealogy for
 Nyueny, but rather at a survey of domestic unions. Consequently
 the kinship links between the owners of four homesteads (num-
 bers 1, 5, 22, and 26)² and other persons in the village cannot be
 stated. This merely means that the relationship did not emerge
 from an inquiry conducted to other ends than their discovery, for
 links of some kind may confidently be assumed to exist. It should
 also be pointed out that there are other connexions between some
 of the persons whose names are shown on the chart which are not
 indicated there, though they are recorded elsewhere,* and there
 may be others unknown to me. Only persons significant for the
 present discussion are tabled, and I have simplified the presenta-
 tion by treating ghost-marriages as though they were simple legal
 marriages.

* 'Some Aspects of Marriage and the Family among the Nuer', Rhodes-
 Livingstone Paper No. 11, 1945, pp. 29 ff.

² [cf. cat. 116, p. (13) -- *huelysa*]
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621 The village site belongs to the Riagh lineage of the Keunyang
 613 maximal lineage of the Gasthol clan, the dominant clan in Lork
 614 tribal area of which Karlual area, where Nyumy is situated, is a
 602 section. Members of that lineage with their wives and concubines
 and their affines account for ten out of the twenty-six homesteads.
 The people of Nyumy hamlet, the central and northern parts
 of the village, are known as 'the children of Jany', and Jany's
 descendants with their wives and concubines and affines account
 for another ten homesteads. The children of Jany', whose *tut* is
 Karlual (homestead 9) count collectively as *gastuoc*, children of
 the paternal aunt, or, as Nuer often put it, *gastnyiet*, children
 of daughters, to the Riagh lineage, whom they call *gastnar*,
 children of the maternal uncle. The senior Riagh men are the
 'bulls' of the village in the tribal sense of the word *tut*.

621 It will again be observed that the village is not an exclusive
 602 lineage group (with its wives) but is a cluster of kin (including
 affines). In this case, however, there is a lineage core to the village
 community, and this core is that branch of the dominant clan of
 the tribe which owns the village site. Some members of its col-
 lateral minimal lineage, the Gom, also live in the village. I draw
 attention to further typical features. We saw that at Konye many
 of the heads of families were living there because of affinal
 relationships with other members of the village. The counter-
 part to this is the relationship of sister's son to mother's brother,
 for when the children of a resident sister or daughter grow up in
 a village those who stand in an affinal relationship to their father
 stand in an avuncular relationship to them. This is a very signi-
 ficant feature of Nuer local communities and from it follows
 another common feature: in course of time a maternal link of this
 kind may be treated as though it were a paternal link and there-
 fore within the genealogical structure of the principal lineage of
 the community. Jany's mother Dual is so treated. Nuer say of a
 woman who has this structural position that 'she has become a
 man'. Cognation becomes regarded for ordinary social purposes
 within community life as equal to agnation. A sister's son-
 mother's brother relationship may come about in a village not
 by a man going to live with his wife's people but by widows
 bringing their children to live with their own people after their
 husbands have died, a mode of residence which in certain cir-
 cumstances may continue after the deaths of the mothers. This

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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship.

Allowing for the fact I have mentioned, that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant.

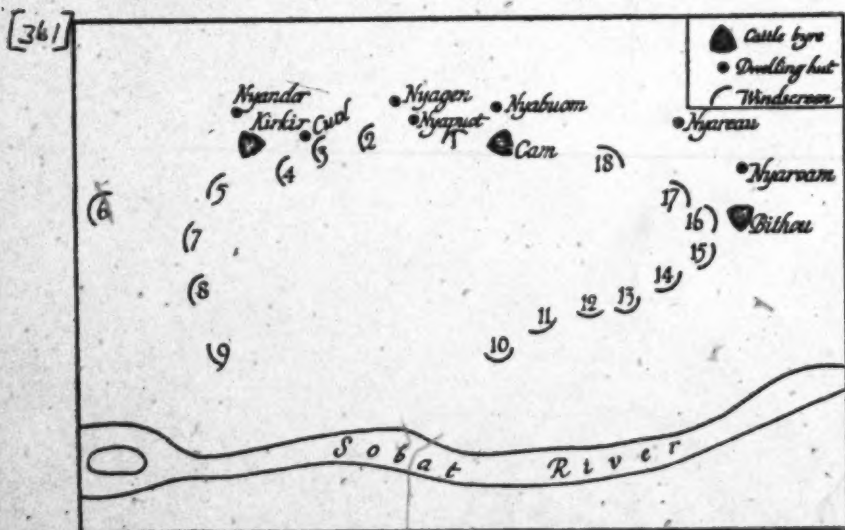
I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers.

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Carau, who owns one of the byres, the other two being owned by Bithou, his brother, and Kirkir, a kinsman of his mother. The real 'bull' of the village is, however, Cam's mother, Nyagen, and the

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- 621 village is often spoken of as *cieng* Nyagen. She has what amounts to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's



Sketch-map of Yakwac Cattle Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

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621 *The entire population of Majok was not at Yakwac in 1931, for*
 602 many of its members, including most of the womenfolk, had
 601 remained inland and some families spent the dry season at other
 camps on the Sobat. The women who came to Yakwac slept in the
 huts of the village, so no grass beehive huts were erected. The
 population of the camp was about eighty souls. I have again
 simplified the genealogy by showing ghost-marriages as simple
 legal marriages, but I have indicated, as I have not done in the
 other genealogies presented in this chapter, those members of
 the camp who are known to be Dinka or of Dinka descent. Those
 among them who are shown as members of the Pual lineage have
 been adopted into one of its branches. The names of only a few
 women and none of small children are given in the genealogical
 table, which is intended to demonstrate the kinship ties between
 the occupants of the windscreens, all of whom, with the exception
 of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
 613 features we have already noted as being significant in the gene-
 601 alogy of Nyueny. It is a lineage structure—the lineage being a
 branch of the dominant clan in the tribal area and that branch
 which is dominant in the district in which the camp was formed—
 to which are attached other lines through females, thus giving the
 genealogy a cognatic form, and affines. In order to graft them-
 selves on to the tree of this dominant clan the linked families trace
 their descent through females at the points of graft as though
 these women had been men. It was a long time before I discovered,
 for example, that Kirkir's paternal grandfather was Buom and not
 Kol. A rather unusual example in which this process is strikingly
 illustrated is the line of ascent of Deng-Nyajal through females in
 three generations to the point of graft, Gai. Nyanhial and her
 daughter Nyajal were captured by the Anuak on a raid into Lou
 country and for many years lived in Anuakland, where Deng was
 begotten by an Anuak father. In the camp Deng was always
 referred to as Deng-Nyajal after his mother and not as Deng-Cul
 after his father, because Nyajal, and not Cul, is genealogically
 significant in Deng's social milieu. In the same way we referred
 always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster
 of kin at Yakwac camp the importance of affinal and maternal ties
 is evident.

613 I have indicated Dinka origins, ¹ where I have satisfactory evi-
 601 dence for them, partly to show the very considerable absorption
 597 of [cf. facing p. 19 (a) - (c) - Analysis]
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who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*. Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaatbal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe.

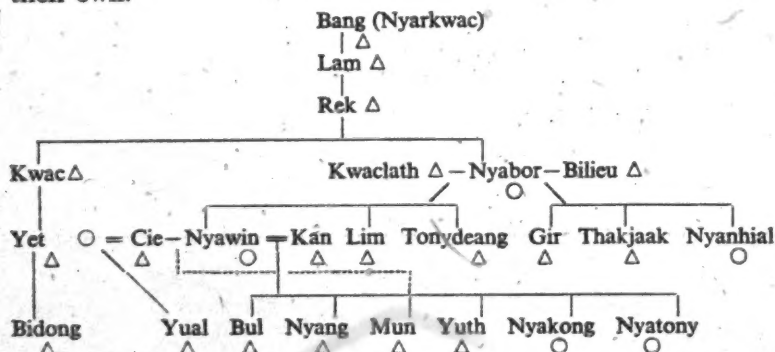
My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life.

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwacath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being

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621 a man of this clan. One of these children, the girl Nyawin, married
 602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
 601 and Nyatony before he died. She continued to live in his home
 after his death and there took a lover, a man of the Ngok Dinka
 called Cie, to whom she bore Bul, Nyang, and Mun. These three
 sons count, of course, as children of Kan-Kwoth. The Dinka Cie
 then, at the behest of Nyawin and her sons, took a wife to himself
 with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual
 was therefore not only a natural paternal half-brother of Bul,
 Nyang, and Mun but also their brother in a further sense, for he
 was *gat ghokien*, the child of their cattle. I was told that he had
 also been formally adopted by Bul into his lineage. Mun had
 died before 1931, and Bul and Nyang were already elderly men
 whose sons and daughters had homes and herds and children of
 their own.

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It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwacloth. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
 602 munity are, I think it will be agreed, very complex. Indeed they

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are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or inter-marriage.

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds.

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *cieng* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatnyiet*, the children of daughters (of the lineage), and the affines.

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanlen*,

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621 father's brother, *gatgwanlen*, father's brother's son, *wac*, father's
 613 sister, and so on.
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613 Lineages are articulated as groups of agnatic kin at a different,
 602 usually ritual, level of the social life, and they are articulated as
 conglomerates, fused with other elements, at the political level.
 Kinship ties belong to another order of social relations, relations
 between persons and not between groups. The members of a
 lineage group are socially undifferentiated as such in the inter-
 lineage structure because it is a structural relationship between
 groups. In the kinship system they are socially differentiated by
 category and degree of relationship—this being an essential
 characteristic of the system—because the kinship system is a
 system of relationships between persons.

621 As we have seen, members of a Nuer community are all *mar*,
 602 kin (including affines in this term), to one another. Whoever is
 kith must also be kin. Common membership of a village or camp
 does not in itself provide a man with a secure basis for his personal
 relations with its other members. That is provided chiefly by the
 kinship system by which a kinship tie established with any person
 in the village or camp gives a man a kinship status of some kind
 with every other person in the village or camp—with all his neigh-
 bours. Consequently a local community consists of a great number
 of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition
 are not the same as those of another, and they change from year
 to year and from season to season inasmuch as Nuer frequently
 change their place of residence. Therefore a cluster of kin of this
 kind does not constitute a specific kinship group. When it is
 thought of by Nuer as a unit it is not as a kinship group but as a
 residential group by association with a lineage or site. Its mem-
 bers are *jicieng* so-and-so, the people of a community of a certain
 lineage, or *ji* such-and-such, the people of a certain place. To any
 member of the community the rest are '*jiciengda*', 'the people of
 my home'. '*Jimarida*', 'my kin', has quite a different connotation:
 it is a set of personal relationships to him and includes men and
 women who do not belong to the cluster at all.

597 The absorption of Dinka into these communities of kin on so
 563 considerable a scale has been significant. As I have pointed out in
 613 *The Nuer*, assimilation of conquered Dinka tribes and tribal sec-
 tions has not, for various reasons, resulted in a class or caste, or in

CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

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- 585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

- 583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

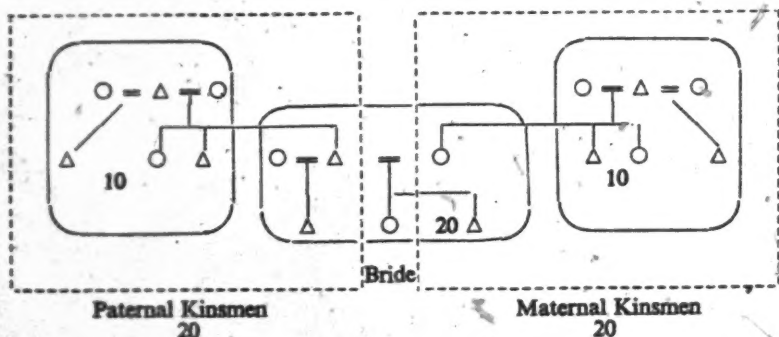
I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

- 583
602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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bride's own family, her father's family, and her mother's family. 583
 The bride's own family receive 20 head of cattle, which are known 602●
 as the *ghok dieth*, the cattle of parenthood. The families of the
 bride's father and of her mother each receive 10 head of cattle,
 known collectively as the *ghok cungni rar*, the cattle of the outside
 claimants, i.e. those who are outside the bride's own family. It
 should be noted in the diagram below, in which these distribu-
 tions are shown, that the bride's mother's sons count as maternal
 relatives while her father's sons by a different mother count as
 her paternal relatives.

However, a Nuer does not state such distributions in terms of
 families but, when he is discussing the mode of distribution, in



terms of individual relationships and, when he is discussing par-
 ticular marriages, in reference to persons standing in these
 relationships. Relationships are defined by reference to the bride.
 A Nuer counts the ideal distribution as follows:

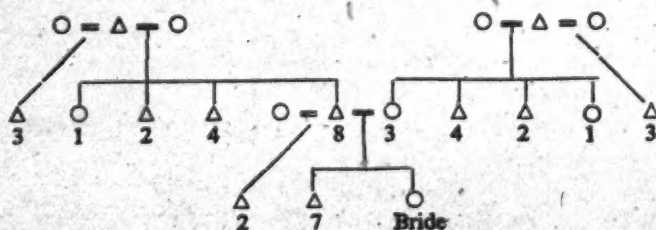
	Cattle	Total
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf	8
Gat gwan (father's son)	A cow, and another cow	2
Gwanlen (indis) kwi mane or kwi dwiel (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gwanlen kwi gwane or kwi luak (father's brother by a different mother)	A cow and its calf, and an ox	3
Gwanlen (intot) kwi mane or kwi dwiel (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer	1
		20

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	Cattle	Total
583 KWI MAN (on the maternal side)		
602 Man (mother)	A cow and its calf and a heifer	3
Deman (brother by the same mother)	An ox, another ox, a cow, another cow, a cow and its calf, and another cow	7
Nar (indit) kwi mane or kwi dwiel (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar kwi gwane or kwi luak (mother's brother by a different mother)	A cow and its calf, and an ox	3
Nar (intot) kwi mane or kwi dwiel (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer	1
		30

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer, when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: 'Manlen a cuong', 'The maternal aunt has a right'; 'Wac a cuong', 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated below:



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It must be added that the four grandparents of the bride are entitled each to a cow, called *wangnen*, in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, sons inherit the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaatgwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaatwac* (father's sister's sons), and so forth. But whereas cattle must be paid, whatever may be the circumstances, to the names of these kinsmen, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in the diagram below, A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later, these cattle of the grandparents are not paid in addition to the forty already listed.



Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's kinship to certain of her kinsfolk, but is also an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is not only an expression of the relationship between a father's brother and his brother's daughter, but also of that between brother and brother. A man marries from the

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583 family herd in which his brothers have equal rights with himself,
 602 and his wife is, as the brothers say, 'our wife', because she was married with 'our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'our children' since they are 'children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are not only an expression of the relationship between a mother's brother and his sister's daughter, but also of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father, and that the part of her bridewealth paid to them is to some extent considered as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles,

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or as future maternal uncles, and youths regard them as policies⁵⁸³ which will fall due in the future and enable them to marry wives⁶⁰² themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaatman*) and sons of the father (*gaatgwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel* on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications. The statement of the ideal distribution thus assumes polygamous families.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them, as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sister's bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does

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583 not mean that he can dispose of them as he pleases, and he would
 602 not, were his father alive, be able to reserve them for his own
 marriage exclusively. If the bride's half-brother is older than he
 the half-brother will use some of these cows to marry and no objec-
 tion can be raised to his doing so. To object would, in Nuer eyes,
 be a grave breach of custom amounting to the breaking up of the
 family and home and the severing of vital bonds of kinship. Even
 after the father is dead the herd ought to remain common stock,
 and all cattle accruing to him and his sons on the marriages of his
 daughters ought to join it for the benefit of all his sons alike, so
 that they may marry from it in order of seniority. If there is only
 one widow this is likely to happen, but when there are several
 widows the family often breaks up, the widows going with their
 children to live in different places, and the herd may in course of
 time become scattered. Eventually the family, especially the com-
 posite or polygamous family, ceases to have corporate interests in
 a common herd and splits into a number of property units, each
 brother having a family and herd of his own. The brothers then
 live in separate homesteads and sometimes in separate villages,
 and the cattle they receive as paternal and maternal uncles there-
 fore join different herds. Often some of the brothers are by this
 time dead and the cattle then go to their sons, whose ties with their
 paternal uncles are weaker than those uniting brothers.

In reckoning the cattle which have to be transferred Nuer dis-
 tinguish between those beasts which receive a precise linguistic
 indication and the remainder. Those terminologically differen-
 tiated are regarded as the minimum payment on which negotia-
 tions can start. Whatever else the bride's family and kin get, they
 must get certain animals or the marriage cannot take place. Hence
 these basic claims take precedence and their titles are always the
 first to be acknowledged. The conventional order is as follows:

1. *wangnen gwane*, the cows of the paternal grandparents.
wangnen mane, the cows of the maternal grandparents.
2. *yang gwane kene doude, ke thakde*, the cow of the father with
 its calf, and his ox.
yang mane kene doude, the cow of the mother with its calf.
3. *yang gwanlene kene doude, ke thakde*, the cow of the pater-
 nal uncle with its calf, and his ox.
yang nara kene doude, kene thakde, ke puangde, the cow

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of the maternal uncle with its calf, and his ox, and his *puang* (ox).

4. *dou* (nac) *waca*, the calf (heifer) of the paternal aunt.
dou (nac) *manlene*, the cow (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any one of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' In actual payments of bridewealth the fact that the kin of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds. If one of them is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion-spirit and a brindled cow for the crocodile-spirit. A cow so dedicated to a spirit must remain in the kraal of the parents, and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact, just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different

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583 spirit both must be honoured by having a cow of the bride-
 602 cattle dedicated to it, though one spirit may receive a cow on the
 marriage of one daughter and the other on the marriage of her
 sister. Here again, this does not necessarily mean that the family
 of the bride get an extra cow, for generally one of the cows they
 would in any case have received is dedicated to a spirit and paid
 in its name. Sometimes, however, the bride's people do not put
 forward the claim till the end of the marriage negotiations, when
 the bridegroom's people think that a settlement has been reached
 and have already offered as many cattle as they are prepared to
 give. It is more difficult for them to refuse an extra cow to a spirit
 than to a man. If they are wise they will get to know all about the
 spirits of the bride's family—there may be more than two—and
 anticipate the claim by keeping a cow in reserve to meet it.
 Generally these essential claims are settled at the first bridewealth
 discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to considera-
 tion in that, as already explained, their portion is regarded to some
 extent as a deferred payment standing over from the marriage of
 the bride's mother. If there are not enough cattle to satisfy every-
 one at the time of the marriage the paternal relatives are usually
 prepared to allow the bridegroom to remain for some years in their
 debt, but the maternal relatives are less willing to forgo immediate
 satisfaction. The maternal kinsmen cannot make exorbitant
 demands because they have only a right to a conventional pro-
 portion of the bridewealth and the approximate number of cattle
 to be paid to them is therefore determined by the total number
 to be paid all round.

583 In marriages today the actual payments and distributions of
 602 cattle to definite persons, as distinct from the ideal allotment of
 178 fixed portions of the bridewealth to relationships, vary according
 to circumstances, the chief of which, apart from the relative desire
 of both parties to bring about the union, are the wealth in stock of
 the Nuer as a whole, the resources of the bridegroom's family and
 kin, the number of claimants and the shares allotted to them in
 other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years
 ago cattle were so plentiful in Nuerland that bridewealth was
 paid at the ideal rate of 40 head. In recent years the herds have
 diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

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583 to the bride's people. The spokesman for the bridegroom says, for
 7602 example, that they have a brindled cow and its calf in such-and-
 such a kraal, and the spokesman for the family replies that these
 will be the cow of the mother and its calf. The bridegroom's
 maternal uncle says that he will give a white cow with a black
 head and rump and its calf, and a white-faced ox, and the people
 of the byre decide that the cow and its calf will be the cow of the
 father and its calf, and the ox will be the ox of the uterine brother.
 To follow these negotiations it must be remembered that they
 have been preceded by lengthy private discussions by each party
 among themselves. The bridegroom's party have agreed among
 themselves which particular animals each is willing to contribute,
 what they intend to offer the bride's people, what claims are likely
 to be put forward, and how they can be met. The bride's party
 have discussed what animals the other side possess, what they are
 likely to offer, and what they themselves want. The haggling at the
 final meetings between the two parties is on the surface and con-
 cerns only marginal beasts which the bride's party hope to obtain
 above what the bridegroom's party wish to give. It is not really
 greed on one side or parsimony on the other, but part of the tradi-
 tional procedure of marriage. Both sides are expected to behave in
 this way in marriage negotiations.

As long as the girl's family receive a good number of the cattle
 before she has passed through the final ceremonies and can expect
 that the remainder will eventually be paid they will not press for
 settlement. Nuer can be very generous in this matter, and if a son-
 in-law is respectful and industrious they will not break the union
 because he takes a long time to pay the final cows, for marriage is
 not simply handing over a girl in exchange for cattle but is the
 creation of a series of new social relationships which, once formed,
 are not easily or lightly severed, especially when the union is com-
 pleted by the birth of a child.

Sometimes the final cows are never paid. If the husband has
 cattle and his wife's brothers want to marry, they may raid his
 herd and take the beasts owing to them. But debts of this kind are
 subject to a rule of limitations. If the cattle have not all been paid
 before the eldest son of the marriage is initiated into manhood the
 debt lapses. Therefore a brother tries to obtain the remainder of
 his sister's bridewealth before this happens. An illustrative case
 occurred in western Nuerland in 1936. An initiated lad, who had

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been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage, but 'the cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

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Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt, she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts, they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due, and, at the same time, admit the rights of the others to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, a lineal heir is entitled to the beasts; but a collateral kinsman may not inherit. If there is neither a claimant nor a lineal heir other relatives on that side of the family receive larger shares than they would have expected had there been either. To reach an understanding of any actual distribution it is often necessary to relate it to distributions at other marriages, for, especially today when cattle are scarce, consideration will always be given, in seeking a fair agreement, to rights claimed or forgone in previous, and to expectations in future, marriages of daughters of the family and kin.

Paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with

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583 a fixed title to bridewealth) may claim some small gift, such as a
 602 sheep, goat, or spear, in their own right from the bridegroom's
 people. Though these casual claims count as part of the bride-
 wealth in that their return can be asked for in the event of divorce,
 their settlement is regarded more as a courtesy than as an obliga-
 tion. A borderline case between bride-cattle proper and such small
 gifts to distant kinsmen is that of the calf, called *karthar* among
 the western Nuer, which may be claimed by a collateral kinsman
 who is a patrilineal descendant of the bride's father's father's
 father. This payment is sometimes made, as a sign that the patri-
 lineal limit of bridewealth claims has been reached and that no
 demands will be accepted from collateral kinsmen tracing their
 common descent with the bride from an ancestor yet farther
 removed.

Generations

5

Limit of cattle claims

4

karthar (calf of the father's father's father)

3

wangen (cow of the father's father)

2

ghok gwane (cattle of the father)

1

ghok gat gwan (cattle of the father's son)

Bride

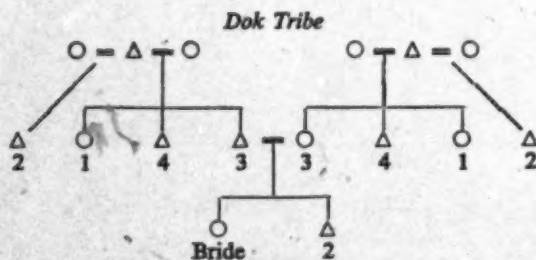
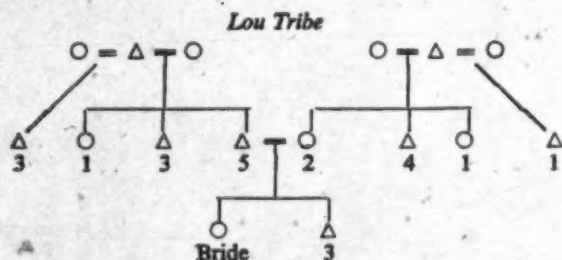
However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift, and it will not be refused. This privilege, which is not widely exercised, includes also natural and affinal kin. I have seen a bride's maternal uncle's natural (not legal) son and a bride's paternal uncle's wife's brother demand, and given, spears at marriages. The master of ceremonies of the bride's family is always given a calf, sheep, or goat, known as 'the cow of the spear' (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. At this point it need only be said that distribution on the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We

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need only note further that when the genitor of the bride is a different person from her pater, as is often the case among the Nuer, he has a right to a cow, 'the cow of the begetting', and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

I conclude this section on bridewealth with three illustrations of actual payments and distributions at the present time. The first is from the Lou tribe of eastern Nuerland, the second from the Dok tribe of western Nuerland, and the third from the Leek tribe of western Nuerland.

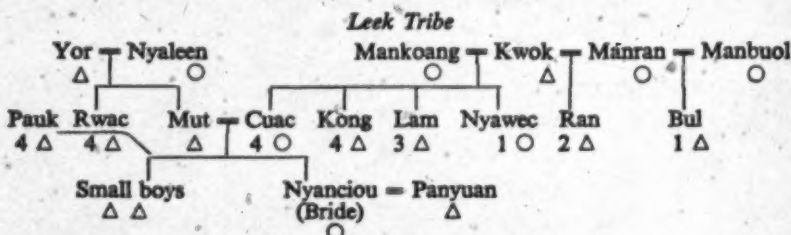


It will be observed from these two examples that in spite of smaller payments today the balance of distribution between paternal and maternal relatives is preserved. It will be noted also that smaller bridewealth does not mean that the rights of the family take precedence over those of the extra-family kinsmen. On the contrary, the family bear the greater proportional loss. In the Lou marriage the family received only 10 out of 23 beasts and in the Dok marriage only 8 out of 22 (the calf received by the master of ceremonies in each case not being included in the reckoning). The uncles and aunts must always be satisfied and their claims settled first, so that if there is to be a loss or debt the family must

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602 bear it. This conclusion was borne out by records of payments in other marriages.

I now examine in greater detail a payment of 23 beasts in a marriage in the Leek tribe to show the kind of considerations which affect distribution of bridewealth in particular marriages. At the time of my inquiries the marriage had been consummated but a child had not been born.



Pauk, the biological father of the bride, received three beasts in addition to 'the cow of the begetting'. There were two reasons for this generosity: he had brought the bride up from birth, and he was living with her mother and kept his cattle with hers. He was, in fact, acting as husband and father in the bride's family, and since he had no family of his own the bride's small brothers (not named in the chart) were regarded as his heirs. He had begotten them also. So the family received in fact eight beasts and not just the four shown in the chart, which, the father being dead, were allocated to the names of father and mother jointly. It was agreed also that the bride's eldest brother should receive a cow (not listed in the chart) before the eldest son of Nyanciou's marriage to Panyuan is initiated. Rwac, the bride's paternal uncle, received in addition to the three animals held to be the right of the paternal uncle in the discussions preceding the marriage a fourth beast, the cow of the paternal aunt, since there was no one standing in this relationship to the bride. This was not an inherited right but a device for ensuring that the father's side to the marriage received their fair quota of cattle. Such adjustments are common in division of bridewealth. In other respects distribution on this occasion was normal and requires no further comment.

It may be noted, however, that though the allocation of cattle was as I have just stated it the full brothers of the bride's mother had not yet received their shares of the bridewealth. The reason for this was that the bride was not living with her paternal kinsmen,

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who took little interest in her, but she and her mother were living in the village of her maternal kinsmen, from which she was married. The paternal kinsmen therefore in this instance received the cattle immediately available for distribution. Had the bride been living with her paternal kin the maternal uncles would not have been so accommodating. It may further be noted that whereas the maternal half-uncles had received their share of the cattle, the senior maternal full uncle had received up to the time when my inquiries were made none of the animals promised to him and the junior maternal full uncle was still owed a heifer. The maternal half-uncles had to be given their shares first because if any debt is incurred it must be borne by those primarily responsible for the marriage agreement and chiefly in control of its arrangements, in this case the bride's full maternal uncles in whose village she was living. The single example I have given will, I hope, be sufficient to show how various circumstances may influence any actual distribution of bridewealth.

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In the account I have given of bridewealth it was brought out that there are two connected, but separate, movements in its transfer: the payment by the bridegroom's kin to the bride's kin, and the further division of the cattle among the bride's relations. I feel that it would be profitable here to make some further comments on the first movement in order to elucidate the general functions of bridewealth in Nuer society.

It is no longer necessary to show that the African payment of bridewealth is not a purchase. But to say that it is not price or purchase is not to say that the objects handed over have no significance outside the particular purpose they serve in bringing about a union. Cattle for Nuer are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk-gourds and butter-gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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602 It is for this reason that Nuer found it difficult to understand what I meant when I told them that among my people we marry without paying bridewealth: 'It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother full?' Of the neighbouring Anuak people, who marry with beads and spears, they say: 'Of what use are these things? Can people live on them?' In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or heifers in-calf so that they may enjoy immediate benefit from the transaction.

Nevertheless, Nuer men show greater interest in the bride-wealth character of cattle than in their nutritive qualities. It is not that having great nutritive value they acquire through it a general social value, become a standard of worth, and are therefore employed in ritual, for indemnification of injury, and as a means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life, because a wife means to him his own home and that he becomes a link in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a common-sense inference that payment of bride-wealth has a stabilizing action in marriage. If the wife leaves her husband the cattle will have to be returned, and as it would be always unpleasant, and often difficult, to return them it might be supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: 'But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle.' It must be remembered that not only have the cattle to be returned but their calves also—I have known a divorce in which one of the bridewealth cows

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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

Nevertheless, it can only be accepted that payment of bride-wealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry.

I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. vi, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

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586 on their backs cannot be returned'. Nuer said that should a wife
602 leave her husband after having borne two children the cattle
would remain with her kinsmen and any children she might bear
by other men would be claimed by her husband's people. She is
still married to him though she lives as concubine to another man.
They said that the husband's people would generally be content
with this arrangement but, whether content or not, it would be
useless for them to ask for return of their cattle and the progeny
of these cattle. The wife's people would say to them: 'You have
your children. You keep them and we will keep the cattle. Let your
wife bear you children in the bush.'

The rules stated above are principles which are flexibly applied
according to the circumstances. In cases of divorce much depends
on the personal relations between the husband's people and the
wife's people. If they are bad and his wife has left him at their
instigation, the husband may claim back everything to which he
has a right: cattle, sheep, goats, spears, tobacco, millet, and orna-
ments, including his wife's bead-decorated skirt. But if they are
good and she has left her husband against her parents' wishes,
he will not ask for the return of the smaller gifts and the *puoth*
manthude, the little gifts with which he honoured his mother-in-
law; and if she dies childless he may also leave some of the cattle
to which he has a right with her parents in the hope that they will
later give him her sister in her place, or just from sympathy. If he
leaves any of the cattle, preference will be given to the portions of
the spirits and the ghosts.

Another contingency which is taken into consideration is
whether the wife is being sent away by her husband for barren-
ness or bad habits, which is rare, or whether she is leaving him
without his consent and, in this case, whether she has adequate
grounds for refusing to live with him, such as neglect or cruelty.
Whatever the circumstances are, the husband has a right either to
his cattle or to the children his wife may bear to other men, but it
sometimes happens that whereas he wants his cattle back to marry
again, since he cannot have a home without a wife, the wife's
people tell him that he is responsible for the separation and must
be satisfied with the children. They would not refuse him his
children. If they tell him this—and they would not do so unless
she had already borne him a child and had lived in his home—he
has to accept their decision. There are no courts he can appeal to

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586 and his kinsmen would be unwilling to support him in resort to
602 force. There is nothing he can do. If his wife has gone back to her
parents and they do not want to return his cattle they tell him to
come and fetch her. But if she is miserable with him she will only
run away again, and this time to some distant part of the country.
If he complains to her parents they say that it is no affair of theirs.
Let him go and get his wife. In the end he will give her up and
claim any children she may bear to lovers. There is always a chance
that she will come back to him when he takes charge of her sons. I
have never known a case in which a wife's parents have refused to
return her husband's cattle after they have married her to another
man, and when I asked what would happen were they to try to do
so, I was told that the husband's kin would undoubtedly use vio-
lence to get back their cattle and, in addition, curse the wife so that
either she would become barren or her children die. On the other
hand, it sometimes happens that the wife's people promise to
return the cattle as soon as they are able to do so but fail to return
them all, through procrastination on one pretext or another or pre-
varication, for they may hide some of their cows in the herds of
kinsmen in distant districts. If the husband and his wife's father
are members of the same local community, difficulties of this
kind are not likely to arise and, if they do, they can be settled by
discussion and compromise. If the two men belong to different
sections of the same tribe, and even more if they belong to differ-
ent tribes, the dispute, as is the case in all issues of indemnity, is
not so easily settled.

We may now consider in the light of these facts to what extent
bridewealth may be said to stabilize marriage. Most broken
marriages occur during or shortly after the nuptial ceremonies.
One cannot properly speak of divorce at this stage because in
Nuer eyes marriage is incomplete till a child has been born. That
till the birth of a child the wife is considered to belong to her own
kin and not to her husband's kin is shown not only in her con-
tinuing to live with her parents but in other ways, most noticeably
by the fact that the husband is held responsible for her death
should she die in her first childbirth. He then has to pay compen-
sation for homicide (*thung yika*). During this period, when the
union is looked upon as still only partly formed, the family and
kinsmen of the wife do not, if they are wise, disperse the cattle. At
this stage, therefore, there is no great difficulty about returning

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602 the cattle, which are, indeed, kept ready at hand to be returned should the need arise. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give figures, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal negotiations, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of, a case of divorce, or even of separation, after the birth of a second child. My own observations are very limited, but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife is most unlikely to leave her husband's home while he is alive. Were she to do so the cattle would not, in any case, as I have explained, be returned. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. As we have earlier noted, it is then not incumbent on the husband to replace them, or on his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only return beasts in the place of those which have died after they have transferred them to third parties or which they have butchered. The father-in-law could not in these circumstances break off the marriage and marry his daughter to another man, for the cattle, though dead, are still 'on the wife's back'. When I asked what would happen were he to try to do so, I was told that the husband's kin would claim back their cattle and if necessary use force to obtain them. Should a wife leave her husband in these circumstances the problem of bridewealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

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602 I think it is evident, in view of the facts stated above, that the fear of having to repay bridewealth cannot be said to be a very powerful sanction of the marriage union. Nor is there any evidence of which I am aware that would suggest that the greater the number of cattle handed over the more stable the marriage is likely to prove. Indeed, I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations than payments of bridewealth: affection between the spouses, the good reputation of the husband, mutual goodwill between the families of husband and wife, especially personal friendship between the fathers or between the husband and his wife's brother, and moral and legal norms.

It is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her before asking for her hand, and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to complete it, and yet more time between the consummation and the birth of a child. I do not say that pressure may not be put on her by her family to accept her husband, but Nuer girls are not easily coerced. Nuer have good grounds for their assumption that a newly-wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As Nuer observe a weaning taboo, this means at least three years after the birth of the first child.

Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but also a set of affinal relations, and it can be stable only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what Nuer regard as a good husband but also to be a polite and helpful son-in-law and his wife's family try to act correctly towards him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by

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581 approbation and censure, which give stability to marriage and
602 security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 Conjugal and affinal relations are personal relationships which
602 require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relationship, becomes *mar*, kinship. Bridewealth payments may therefore
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602 be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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the next rite, and through it greater security. When the bride's people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children. 583 602 ●

Bridewealth has so far been viewed as a means of organizing personal relations between the husband and his people on one side and the wife and her people on the other side. It has also a more general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them. 583 602 613

For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

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583 that 'cieng Pual have married a wife', or that 'cieng Dumien have
 602 given their daughter in marriage'.
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To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange of a daughter for a wife. Bridewealth may be fruitfully compared 583
 681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural per-
 613 spective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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607 is dead he treats her eldest daughter with reserve, for she has then taken her mother's place: 'she has placed the food on the fire' (at her mother's mortuary ceremony). A man and his wife's sister's husband, whom he calls *warombaida*, may be on intimate terms.

602 It is only when the bride is still a maiden that the father and uncles and brothers of the bridegroom are reserved with his parents-in-law. After the marriage is consummated only the husband's father or, if the father is dead, his eldest brother will respect his parents-in-law and only to a small extent, not usually with regard to nakedness and food. Nevertheless, it is customary for the father of the bridegroom to give the father of the bride a spear or goat, and for the father of the bride to make him a similar gift, to enable the two men to eat in one another's homes without shame. A husband's younger brothers do not in any way respect his in-laws and they eat and go naked in their homesteads. On the other hand, it is customary, at any rate in the Lou tribal area, for the youth who acted as the husband's best man in the marriage ceremonies to respect his in-laws till they give him a goat to break down his reserve.

606 Obviously a wife is in a different position *vis-à-vis* her husband's people from that of a husband *vis-à-vis* his wife's people. Nevertheless, while avoidance is impracticable, she treats her parents-in-law with great respect, and in the early days of her marriage she keeps herself apart from them as much as domestic requirements permit. She cannot eat with her mother-in-law, and this prohibition may continue for some years after the birth of her first child. She cannot eat in her husband's home at all before the birth of her first child, and even after this event, when she has come to live with him, she ought not to see him eat or be seen eating by him. However, the inconvenience of this prohibition is evident, and soon after she has taken up residence in her husband's home it will be arranged that her husband enters as though by accident a hut in which she is eating. After this it is no longer shameful for husband and wife to see one another eating, and though the wife is at first shy, she will eventually share her husband's meal when they are alone. Before the birth of her first child a woman respects her husband's sisters and will not eat out of the same dish with them. After the birth of a child she can be on free and easy terms with them, though personal difficulties sometimes make for reserve. Should the mother be dead, her eldest daughter tends to

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601 on her lips, but then it means the people of her husband's home, for they have become her people, and she now identifies herself with them and not with her father's people. She uses in speaking to her husband's kin the same terms of address as he uses.

602 When a woman joins her husband she comes under the protection of his lineage spirits and ancestral ghosts, and when she builds a mud windscreen they are summoned by her husband's father to come and abide there. On the day she constructs it her father-in-law pours over it beer and butter and utters some of the pious formulae spoken on such occasions. When beer is brewed the wife pours a little at the side of the windscreen, and a sacrificial goat or sheep is often tethered there for the ghosts to see it before it is killed. When the woman who owns the hut has a grandchild, a *gat-nyade*, a son of her daughter, she sends for the boy to come and break down her windscreen and sacrifice a goat. Since a wife is accepted by the ghosts and spirits of her husband's lineage, she may perform ritual for that lineage in which invocation of its ghosts and spirits forms part.

But though a woman joins her husband's group and becomes part of it, she never entirely ceases to belong to her own family and lineage, under the protection of whose ghosts and spirits she remains. If she is ill treated by her husband she will ask her father and uncles and brothers to help her. On the other hand, should she in a quarrel with her husband disfigure him—knock a tooth out, for example—her father must pay him compensation. I have myself on two occasions seen a father pay a heifer to his son-in-law to atone for insults hurled at the husband's head by his wife when irritated by accusations of adultery.

602 I have given a short account of the conventional attitudes and patterns of behaviour Nuer regard as proper between relations-in-law. I repeat that for Nuer the relationships which contain these attitudes and patterns change in course of time into a kind of kin-relationship through the children to the marriage, and they might then perhaps be best described as kinship-in-law.

VI

601 So far I have been speaking about normal matrimony, the usual domestic union in Nuer society. There are, however, other forms of domestic union among the Nuer of which I now give an account.

I presented in Chapter I some genealogical tables to illustrate

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and the birth of her children, or is a man or a woman. Hence it follows [611] that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all have the same pater. It is the fertility of the womb which a lineage 602 receives by payment of bridewealth. All children born of that 613 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other 581 things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and leviratic marriage raise up seed to their kinsmen subordinates the

2:Evans-Pritchard E-5 (1931, 1936) 1951

FJ22 Nuer FJ22

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exclusive interests of the family to those of the wider circles of the paternal kin and of the lineage. The prevalence of widow-concubinage and simple concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions.

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THE FAMILY

476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer eat so much in each other's byres and windcreens that, as far as the men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

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to the peculiar position in each elementary family of the eldest⁵⁹³ child.* The eldest child of either sex is known as *gat ma keagh* and [601] the mother may address him (or her) as *keaghda*, my first-born. This child must never use the spoon of his father or mother, and I [603] have sometimes been given to understand that this is one of the reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose. When an eldest male child is initiated an extra incision is made, at [321] any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not regarded as complete. He is also the link through which the kin of [602] the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

CHAPTER V

KINSHIP

I

682 A MAN's kin are those persons with whom he is genealogically connected through his father and mother. This does not mean that kin relationships are merely an extension of relationships within the family. The kinship system exists in its own right, and a child who is born into a family is born at the same time into a kinship system. Nor does it mean that kin relationships are of the same order as family relationships. They are not—certainly to a Nuer. To him, his father and mother and brothers and sisters are not *mar*, kin, and he does not speak of them as such. They are members of his *gol*, his family, the intimate circle which he sees as something quite distinct from kin, just as we do when we say that someone is a relative and not a member of the family or that another is almost one of the family.

I have said earlier that anyone to whom a man can trace relationship of any kind, or to whom he merely knows that he stands in a certain category of relationship without knowing its degree, is in the wide sense of the Nuer term *mar*, kin to him. I have shown that this means in fact that everybody in his village and those with whom he has dealings outside it are either true kin or are in one way or another treated as such.

Kinship categories are limited in number and they have a definite arrangement to any person. It is not merely that the anthropologist perceives that they have a pattern. The Nuer himself perceives it and can describe it without reference to any particular person, or as an abstract system. Also, when the pattern is enunciated in behaviour and there is no one to fill one of the roles, it is recognized that the actual configuration does not correspond to the ideal configuration, and that it should be made to conform to it by substitution, if this is possible.

In the arrangement of categories, and in the attention paid to them, there is a recognized balance between the kin on the father's side and the kin on the mother's side, and this balance is emphasized on certain formal occasions, above all in the notation of

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bridewealth rights when a marriage is being discussed. When a girl is married the bridewealth is, as we have seen, distributed among the following categories of kin: *gwanlen*, father's brother, *wac*, father's sister, *nar*, mother's brother, *manlen*, mother's sister, *gwandong*, father's father and mother's father, and *mandong*, father's mother and mother's mother. When a man is killed and cattle are paid in compensation, the cattle which are not reserved for marrying a wife to the name of the dead man are divided among the kin on the same principle as obtains for division of bridewealth. When an elephant is killed its tusks, or the cattle obtained for them by exchange, are divided among persons standing in the same set of relationships to the slayers of it. I believe also that when in the old days large numbers of cattle were taken on raids on the Dinka they were similarly divided among the kin of their captor. Though shares in these situations are the *cuong*, right, of the categories of kin I have mentioned, one cannot in any particular instance know for certain to which person a share will go because there may be more than one person standing in a certain category of relationship to a bride, a slain man, a killer of an elephant, or a raider of cattle; or the person to whom it would have gone had he been alive is dead and his right is inherited by his sons. But the right of the relationship is an absolute right. Bridewealth rights, in particular, are the most rigidly formulated of all the privileges of kinship. A man may neglect, elude, or defy the more fluid customary duties to kin without severing the bonds of kinship or even without seriously weakening them, but refusal to give a man the bridewealth cattle to which he is entitled is a total breach of kinship. It is not merely that those who refuse a man his right in this matter would be refused their rights by him when his daughters were married. The refusal cuts a man off from his kin altogether.

These categories of kin are again clearly defined by their representation in the distribution of sacrificial meat at weddings and other important feasts among the family and kin. There are variations in the allocations in different parts of Nuerland, but the same kin are everywhere represented in the distribution. The ideal distribution is usually cited in pairs of relationships in the same manner as the ideal distribution of bridewealth, bloodwealth, and elephant tusks is described: The right hindleg is the right of the father's brother and the left hindleg is the right of the

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602- mother's brother; the right foreleg is the right of the father's sister and the left foreleg is the right of the mother's sister'; and so forth. In the case of the uncles the allocations are further distinguished by defining whether the recipients are full or paternal half-brothers of father and mother. Some of the kinsmen who have a right to meat may be dead or absent, and it then goes to an heir or to someone standing in the same kinship category as the missing person. On the other hand, there may be several persons of the same category present, in which case the joint is divided among them. The joints may be described by reference to the relationships which have rights in them. On these occasions some of the meat given to a kinsman as his right may be eaten by him and his age-mates together, since a man's age-mates may have secondary rights in it. Representatives of collateral lineages, the *jibuthni*, also have rights in sacrificial meat. When beer is provided on certain ceremonial occasions it is distributed in the same manner as sacrificial meat among the kin on the father's side and the kin on the mother's side, and here again the recipients may share their pots with their age-mates.

Another situation in which the categories of kinship are ceremonially defined is the bringing of gifts at certain sacrifices, particularly those performed when a person has been killed by lightning, at mortuary ceremonies, when a man honours his dead father, and after the birth of twins. I have recorded some of these ceremonies elsewhere.* In describing what happens at a sacrifice in honour of a dead father a Nuer said: 'All your kinsmen are summoned on the day of sacrifice—the sons of your mother's sisters and the sons of your father's sisters, the sons of your mother's brothers and the sons of your father's brothers. Each brings beer to the sacrifice.' This way of speaking of the ceremonial functions of kin is almost a descriptive formula for the several rites I have just mentioned.

Apart from such formal definitions, Nuer speak of their close kinsfolk as their real (*pany*) kin as distinct from more distant kin. 'They are your real kinsfolk, they are the people who help you.' In spite of all disputes and shortcomings, a man's kin assist him in trouble. They help him in the more laborious tasks of his home.

* 'Customs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936; 'The Nuer Col Wic', *Man*, 1949; and 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949.

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They give him support by their presence at his rites. They nurse him when he is sick. They give him food when he or his children are hungry. They assist him to marry, often beyond their obligations, when he is poor, and in certain circumstances others besides those normally asked to contribute cattle will do so: for example, a man's sister's son or a widow-concubine with whom he is living. His kin rush to a man's assistance when he is in danger, the strength of kinship ties being very noticeable when quarrels break out, as they so frequently do in Nuerland, at dances. A man in difficulties then shouts for his kin and they rush to aid him without consideration of how the quarrel may have come about or who might be responsible for it, for he is a father's brother's son, a sister's son, a father's sister's son, or whatever it may be. Consequently those who attack a man must be ready to reckon with his kin also, and a man who cuts himself off from his kin faces disaster. If kinsmen find themselves facing one another in intercommunity fights they move to different positions in the lines to avoid having to fight each other.

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It is true that it is particularly the duty of his paternal kin to help a man. It is their duty to avenge him if he is killed. They must hold a mortuary ceremony for his ghost when he dies. They must marry a wife to his name if he dies without male heirs. But if he has no close paternal kin, the kin among whom he has lived may perform these duties towards him. To break kinship (*dakene mar*) with the paternal kin is the worst of misfortunes. The man who does this can no longer claim rights in bridewealth or blood-wealth or sacrificial animals. If he is attacked his kinsmen look the other way, and he knows that if he is killed they will not avenge him. But to deny kinship with any close kin, maternal as well as paternal, is a misfortune. A man who wrongs a kinsman is shamed and he may incur also a curse and ghostly vengeance.

With his kin a man feels at ease. He does not, as we would say, have to keep up appearances with them. This is shown in one way by the manner in which kin swear (*kwith*) at one another. This is particularly the privilege of kin, who hurl the most abusive and obscene expressions at one another. Such behaviour is avoided in the family, though a man might swear mildly at his sister or even at one of his father's wives in anger, and it would almost certainly lead to a fight if an unrelated man were so insulted. Among kin, however, no offence is taken at abuse so long as it is

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- 602 an elder who abuses a younger, as an uncle a nephew, or the two are of the same generation, as between cousins.

612 The sentiment of *mar*, of communion with his kin, gives a Nuer the comfort of security, the feeling of being in a known and friendly world. I would again stress that *mar* is cognatic kinship, a set of relationships to any person through either father or mother and, among the Nuer, embracing also close affines, and further that in this general interpersonal sense one does not evaluate between the relationships. The maternal uncle is just as much kin as the paternal uncle, and the mother's sister's son as the father's sister's son. They are all people one helps when they need help and who help oneself when one needs aid. '*Jimarida*', 'my kin', are the people who are near me, irrespective of their precise category of relationship, the people on whom I can rely. It is interesting to note that *mar*, like the Old English 'sib', may also have the sense of 'peace'—'*te mar kamdien*', 'they are at peace'—and that it appears also to be the same word as that used for 'my mother'. In a sense all kinship is through the mother, even kinship with the father and hence with the paternal kin.

I have been speaking of the nuclear kin, but, as was noted in Chapter I, there is no limit to the number of relationships a man can in one way or another establish in Nuerland. The kinship system is like a circular elastic band which can be stretched on an ever-widening circumference as a child grows up and increases the number of his social contacts and enlarges the area of their distribution. By this wide recognition of kin a man thus brings in some degree his whole personal society, all those with whom he has dealings, into the circle of relationships in which attitudes and behaviour are shaped by sentiments of kinship.

I shall say more later about kinship in this wider sense and restrict my present remarks to the nuclear kin, which ordinarily can be regarded as the paternal and maternal uncles and aunts and their children and the children of brothers and sisters. A specific kinship term can be used to describe persons in each of these categories, and the relationships they embrace are the prototypes of all kinship ties of the wider kind.

II

These categories of relationship fall into two broad types. The first comprises the agnates, the kin of the byre-side, the 'bulls', as

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Nuer would say, who are also referred to collectively and in a general way of speaking as the *gaatgwanlene*, the children of paternal uncles. We have noted how these are divided off as the kin *kwi gwan*, on the father's side (of the family), in division of bridewealth, and also how among themselves they are more or less exempted from the prohibition which defines as incest congress with the wives of kinsmen because their wives are all wives of the lineage. We have further noted that consciousness of being members of a social group with common ancestors and symbols and corporate rights in territory and, within the limited range of nuclear kin, common interests in cattle and wives and common residence pull the children of their wives to the father's side. The second broad type comprises the cognates who are not agnates, the kin on the hut-side, whom Nuer describe collectively and in a general sense as *gaatnyiet*, the children of girls or daughters—that is to say, all kin to whom a man is related through women. Either they are children of daughters of his lineage or he is the son of a daughter of their lineage. Within the restricted range of reference of bridewealth distribution these are the kin *kwi man*, on the mother's side (of the family). They are the kinsmen with whose wives it is incestuous to have congress. We have earlier noted how important this concept is in the network of kinship ties of any Nuer community, with regard both to interpersonal relations and also to the establishing of links with its dominant lineage. I shall have occasion later to emphasize further its significance in this respect in considering the kinship system in relation to society as a whole. The relationships in which these two types are, as it were, summed up and contrasted for a Nuer are that of the *gwanlen*, the paternal uncle, and that of the *nar*, the maternal uncle.

The *gwanlen*, particularly the father's paternal half-brother, is portrayed by Nuer as the wicked uncle and is contrasted with the good uncle, the *nar*, particularly the mother's uterine brother. Both youths and maidens have often told me that they are more at one with their mothers' brothers than with their fathers' brothers and with their mothers' sisters than with their fathers' sisters. 'Wa! Your *nar* is far better (than your *gwanlen*)', said a Nuer to me once, expressing with force this common partiality. When I asked him why the maternal uncle was better he gave no further answer than the usual reply to this question: 'Because he is the brother of your mother'. However, I pressed him for a fuller

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•602 Nevertheless, distortion though it may be, it is a distortion which by over-emphasizing certain features of relationship on the paternal side brings out one of their essential characteristics, the personal rivalries generated by corporate life and common interests. It is understandable that those who live together have many opportunities for quarrelling and that their common interests, especially in regard to cattle in which they all have rights, provide occasion for it. A Nuer is bound to his paternal kin from whom he derives aid, security, and status, but in return for these benefits he has many obligations and commitments. Their often indefinite character may be both evidence of, and a reason for, their force, but it also gives ample scope for disagreement. Duties and rights easily conflict. Moreover, the privileges of agnatic kinship cannot be divorced from authority, discipline, and a strong sense of moral obligation, all of which are irksome to Nuer. They do not deny them, but they kick against them when their personal interests run counter to them. We noted in the last chapter that Nuer realize that the paternal half-brother relationship is one in the nature of which there are cleavage and opposition. In the nephew-paternal uncle and the ortho-cousin relationships the opposition is perhaps less tense because the persons belong to different families and households and their interests are more divergent, and because less effort has to be made to repress antagonisms. In their interrelations we have in embryo and between persons the same complementary tendencies towards fission and fusion that we find between opposed segments in the lineage system which derives from these paternal relationships as branches derive from twigs on a tree. We shall later see how the relation of the agnatic type of kinship to the type of relationship through women, and the relation of the lineage system to the whole society, are of the same pattern. First we must consider the categories of kinship on the mother's side of the family.

604 Nuer say of the maternal uncle that he is both father and mother, but most frequently that 'he is your mother'. He is a man's great supporter when he is in trouble. If a youth has committed adultery or involved himself in some other trouble, and his father's people refuse to aid him, he goes to his maternal uncle for help. He will help his sister's son for his mother's sake. Nuer say also that 'your maternal uncle will give you a cow and its calf to start a herd, and more cattle when you marry'. Indeed, he is expected

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604 general sense, in contrast to the 'bulls', the maternal uncle is a
 601 relative through a female, the mother. Indeed, he is spoken about
 by Nuer as a kind of male mother himself. The significance of his
 position is due to the fact already drawn attention to, that there is
 a pull on a man in two directions in the Nuer kinship system,
 towards his father's kin and away from them towards his maternal
 kin, a tension especially marked in the case of an eldest child and
 in polygamous and concubinary families.

604 This balance is, as we have seen, very marked in the Nuer kin-
 ship system. When one lives among Nuer the relationships of
gwanlen, *nar*, *wac*, *manlen*, and their children are hardly ever out
 of one's mind, for there are few conversations in which one or
 other of them does not figure; and in all discussions of a formal
 or ceremonial nature they go in pairs of opposites, the paternal
 uncle with the maternal uncle, the paternal aunt with the mater-
 nal aunt, and the sons of the one with the sons of the other. The
 balance between father's kin and mother's kin is always main-
 tained on important occasions of social life, such as marriages,
 settlements of feuds, and religious feasts, when relationships are
 formally defined.

604 The balance is felt also by Nuer in their everyday life, and it
 602 strongly affects the relationships. A mother's brother, for example,
 is not just a mother's brother. He is, so to speak, a mother's
 brother and not a father's brother; and the fact that a man has a
 mother's brother towards whom he can turn in trouble affects his
 relations with his paternal kin. Relationships are tinged with their
 opposites. This is not a mere relation of opposites within a formal
 pattern. We have constantly noted throughout this book the very
 powerful and frequent attraction of the maternal kin in such a
 practical question as where a man resides. We have seen that a
 first-born ought to be brought up by his maternal grandparents;
 that fatherless young men often go to live with their maternal
 uncles; that youths frequently stay with their mother's people;
 that attraction to the maternal kin is accentuated by one or
 other form of concubinage; and that men easily identify them-
 selves through female links with the lineage with whom they
 reside. A man has always the choice of several homes, and if he
 does not care to reside with his paternal kin he can attach him-
 self to the home of other male or female kinsfolk. It is generally
 towards his mother's brother's people that he turns his eyes when

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he has disputes with his paternal kin or feels unhappy among them. I had the impression that Nuer, who often talk about it, are very conscious of this pull away from the paternal kin which is personified in the maternal uncle. It signifies not only a balance between paternal and maternal kin within the kinship system but also a balance between the lineage and the society which contains it—between the lineage system and the total social structure.

The relationship between the *gaatnar*, the children of the mother's brother, and the *gaatwac*, the children of the father's sister, who belong to different lineages and, usually, different local communities, is considered by Nuer to be one of easy companionship. Friendship between a man and the sons of his maternal uncle is not blended with the reserve which difference of generation introduces into his relationship with their father. However, the tension personified in the mother's brother cannot but to some extent affect the relationship with his sons. The sons of the mother's brother are the counterpart to the agnatic cousins, the sons of the father's brother, and the two relationships seem for Nuer to stand in opposition.

It remains to say a few words about the *manlen*, the mother's sister. Nuer say of her that she is like the mother's brother, that 'she is your mother', and that she will love you as a son. 'Your mother's sister is your friend. Is she not the sister of your mother?' If you live at her home she will not, like the father's sister, favour her own children at your expense. You are her son and you will eat with her own child and share and share alike with him like brothers. When you visit her from a distance she sees that you are hungry from your journey and at once leaves off what she was doing to prepare a meal for you, and she pours her best butter over the porridge she has prepared for you. It is the mother's sister relationship that Nuer mostly invoke when hurling their spears in hunting and fishing: '*Tet cueda malene*', 'My right hand, my mother's sisters.' This is equal to the *moc*, the invocation of a favourite ox. A mother's sister, like a father's sister, will be asked to contribute a heifer on the marriage of one of her nephews, but she, also, will not be expected to contribute again on the marriage of another son of the same sister. I was told that when a mother's sister dies her nephew may not visit her grave without a goat for sacrifice.

The mother's sister-sister's son relationship belongs to the

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

PRINCIPLES OF DISTRIBUTION

431/583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.¹

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• 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwaw*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungwi rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

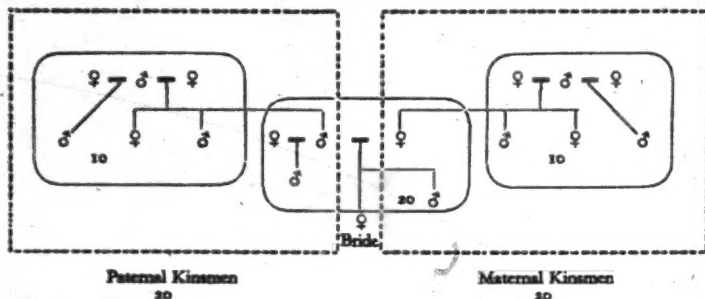
However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

¹ These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechts-*

wissenschaft). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

NUER BRIDEWEALTH

DIAGRAM I



when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	Total
KWI GWAN (on the paternal side)		
<i>Gwan</i> (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf ¹	8
<i>Gat gwan</i> (father's son)	A cow, and another cow ²	2
<i>Gwanlen (indit) kwi man</i> or <i>kwi dwiel</i> (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
<i>Gwanlen kwi gwan</i> or <i>kwi luk</i> (father's brother by a different mother)	A cow and its calf, and an ox	3
<i>Gwanlen (intef) kwi man</i> or <i>kwi dwiel</i> (father's younger brother by the same mother)	A cow, and an ox	2
<i>Was</i> (father's sister)	A heifer ³	1
	Total	20
KWI MAN (on the maternal side)		
<i>Man</i> (mother)	A cow and its calf, and a heifer	3
<i>Deman</i> (brother by the same mother)	An ox, another ox, a cow (<i>yang deman</i>), another cow (<i>yang cika</i>), a cow and its calf, and another cow ⁴	7
<i>Nar (indit) kwi man</i> or <i>kwi dwiel</i> (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

¹ The single calf is sometimes called *paung(d)* and they say: "It is like a gift thrown in for nothing."

The single cow is sometimes called *yang luk*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kweth*, the cow of the spirit of the father.

² These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

³ This animal joins her husband's herd if he is alive.

⁴ The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

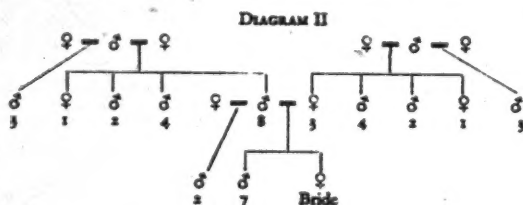
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	Cattle	249 Total
<i>Nar kwi gwam</i> or <i>kwi luk</i> (mother's brother by a different mother)	A cow and its calf, and an ox	3
<i>Nar (intaf) kwi man</i> or <i>kwi diwal</i> (mother's younger brother by the same mother)	A cow and its calf	2
<i>Manlen</i> (mother's sister)	A heifer ¹	1
	Total	20

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I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cuongi*, the people with a right. They say: *Manlen a cuong*, 'The maternal aunt has a right'; *Wac a cuong*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

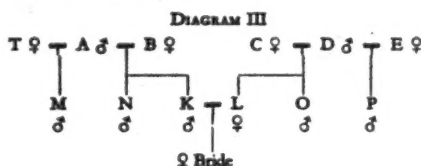


It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *guanlen* (father's brother) go to the *gaat guanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

¹ This animal joins her husband's herd if he is alive.

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583 It is probably for this reason that the cows given to grandparents or their sons are
431 called *wangnen* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four
602 *wangnen* claims, but there are generally only one or two at the most. The *wangnen* of
the father's father goes to one of his sons by a different mother to the father's mother.
The *wangnen* of the father's mother goes to one of her sons other than the father.
These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side.
There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal
side, that of the mother's father going to one of his sons by a different mother to the
bride's mother's mother, and that of the mother's mother going to one of her sons.
Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and
D's cow goes to P. As will be explained later these cattle of the grandparents are
not paid in addition to the 40 already listed.



SOME FEATURES OF THE DISTRIBUTION

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi man*, on the mother's side, or *kwi gwan*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi luk*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*ga*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.¹

MODE OF RECKONING BRIDEWEALTH

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bride-wealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearched by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bride-wealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwam*, the cows of the paternal grandparents.
wangnen mam, the cows of the maternal grandparents.
2. *yang gwam kenu dudu*, *ku thakdi*, the cow of the father with its calf, and his ox.
yang mam kenu dudu, the cow of the mother with its calf.

¹ See *The Nuer*, chap. v.

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3. *yang gwaniens kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
yang nara kene doude, kene thakde, ke puangde, the cow of the maternal uncle with its calf, and his ox, and his *puang* (ox).
4. *dou (nue) wace*, the calf (heifer) of the paternal aunt.
dou (nue) manlene, the calf (heifer) of the maternal aunt.
5. *yang kwath gwande*, the cow of the father's spirit.
yang kwath munde, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak get gwan, the ox of the paternal half-brother.

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It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangwen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangwen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwath*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jirungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

NUMBER OF CATTLE PAID TO-DAY

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.¹ It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangmen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

¹ Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gave 15 to 15 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the

payment of 40 was said to have been not unusual. Mr. Corist, writing somewhat later, said that the original bridewealth of the Gaarwar tribe was 50 head of cattle, but that it had dwindled to 15 or 20.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

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602 When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

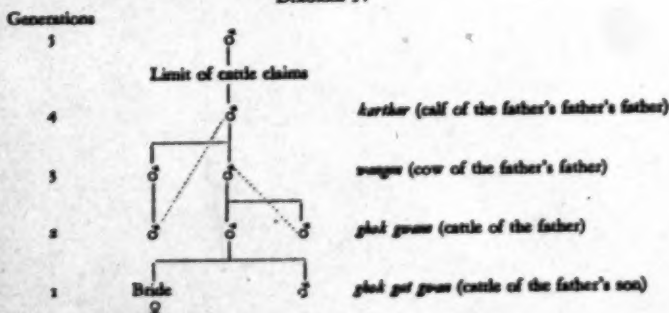
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to a calf each. In this way each claimant may ultimately receive part of the bride-wealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bride-wealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bride-wealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *kurthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bride-wealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

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DIAGRAM IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan luthni*, is always given a calf, sheep, or goat, known as the *yang mure*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bride-wealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *gwiir* of the bride is a different person from her *patir*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *gwiir* has a right to a cow, called *yang leta*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

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of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm.

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gal*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *wuci mien nyistde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her.

THE BIRTH OF A CHILD

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kan*, a newly wed. Her parents give her a hut of her own and a sleepinghide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made

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NUER MARRIAGE CEREMONIES

593 from the first millet of the year—a pretty custom known as *pathew kuen*, honouring
591 with porridge.

842 All are equally anxious for a child to be born, the husband and wife because they
want a son and the wife's parents and kin because they cannot, without risking
complications, dispose of the cattle of the marriage till a first-born completes the union.
Those whose daughters they might wish to marry would not be happy about accept-
ing such cattle as bridewealth in case they had suddenly to be returned to the husband.

591 When a child is born the mother remains with her parents till she has weaned it.
This is a suitable regulation, because after the bridewealth has been paid the husband's
father is likely to be short of lactating cows, while the wife's parents will have plenty
of milk from their herd. If, for some reason, the wife goes to live with her husband
before the child is weaned, it may not be weaned without the consent of her parents,
862 and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A son, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice,
depending on the ability of the maternal grandparents to support the child and on the
relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing
mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nung paka*, the bringing to the
[273] ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
who live in his hamlet. It is a domestic, and not a public, ceremony. The wife
spends a few days in her husband's home and returns with the child to the village of
her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's
585 homestead facing the family kraal. He then goes to ask his parents-in-law for his
wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are
still owing. They give her a horn spoon and a gourd and she takes these with her
to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of
marriage, because it is a recognition that the woman is now, in the full sense, a wife,
who will eat of the porridge of her own gardens with the milk of her own herd.
She now milks her husband's cows instead of her father's and hoes the gardens of
his home and not those of her childhood. Before she is given a spoon, even if she
hoes a garden at her husband's home she takes the harvest back to her father, or she
may live at her husband's home and cultivate in her father's village, if it is not far.
It is only when a man's bride has borne him a child and tends his hearth that she
becomes, in the Nuer sense, his wife. She then makes a *beer*, a mud fire-screen, and
the spirit of his lineage comes to dwell there. Later his father tells him to build a
byre and gives him a few cows to start a herd.

[606] The marriage has thus reached completion through many stages: betrothal
ceremony, wedding ceremony, consummation ceremony, the birth of a child, the
bringing of the first-born to his father's byre, and the presentation to the wife of a
spoon as a sign of her domestic separation from her family. She comes to her
husband's home not as a wife but as a mother whose breasts have suckled a child
of their lineage.

581 complete it and yet more time between the
 593 consummation and the birth of a child. I do not
 say that pressure may not be put on her by her
 family to accept her husband but parents who
 try to coerce their daughter run the risk that
 she will run away to the home of a distant kinsman
 and there elope with some man. They may
 lose their bridewealth. Nuer have good grounds
 for their assumption that a newly wed who has
 borne her husband a child and brought it to his
 hearth is satisfied with her mate. By the time a
 second child is born experience has shown that
 the pair are agreeable to one another also as domestic
 [862] partners. As the Nuer observe a weaning taboo
 this means about three years after the birth of
 the first child.

581 Mutual goodwill between the families is also
 606 a necessary condition of a successful marriage.
 593 Marriage is not only a conjugal relationship but
 also a set of affinal relations and it can be stable
 only if the kin on both sides behave towards the
 other side in the manner expected of them. This
 they endeavour to do. A man tries not only to
 live up to the pattern of what the Nuer regard
 as a good husband but also to be a good son-in-law
 and his wife's father and mother try to be good
 parents-in-law to him. The relatives on both
 sides also try to behave towards those on the other
 side as persons standing in these relationships
 should do. It is the evocative and inhibitory
 action of these moral values, sanctioned by appro-
 bation and censure, which give stability to marriage
 and security to the family that derives from it.
 Divorce is due to failure of one or other of the
 parties to live up to the code of conduct expected
 of him, or her, and Nuer regard it as a misfortune
 in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal
 602 relationships which require adult adjustment
 that is not easy. A Nuer regulates his behaviour
 to the persons around him through kinship values
 of one kind or another. Owing to the extensive
 range of kinship ties covered by Nuer rules of
 exogamy it is impossible for a man to marry
 into a family or lineage with whom he has already
 existing kinship ties. He must marry the daughter
 of people who are under no obligation to provide

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602 him with a wife, or, indeed, to assist him in any way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

[P. 186 a]

36/ stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any
particular piece of ground, and move freely when the ground is exhausted
and no longer yields a good harvest of millet or rich pasturage for
36/ the cattle. A whole village may then move and live elsewhere for
some years but sooner or later they will settle there again for it is their
birth place. Families and groups of kinsmen will leave a village if
there are many deaths, if the cattle are poorly (*be ran gien hä kwi*
[42] *tieth, hä kwi ghoh*), or if fights have taken place in the village. Byres
and huts generally last about five years and have then to be rebuilt.
[43] Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed
on village pastures (*dor*) for about the same length of time the grasses
show evident signs of exhaustion. Thus in 1936 the people of
Nyueny pointed out to me that after about nine years of occupation
their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long
association between a ridge and a lineage, and since the country is
not over-populated and the Nuer do not make very extensive
cultivations it never becomes a legal issue. Anyone may settle in
a village and the villagers will show him where he may build his huts
and byre and cultivate his millet. This practically means that he
may build and cultivate anywhere not already in occupation or under
cultivation. Nuer are very generous in such matters. In fact,
however, a man is unlikely to settle in a village unless he can claim
kinship with some of the villagers, i.e., is genealogically attached to
the dominant lineage there. *Mar*, kinship, can generally be discovered
somewhere and consequently it is usually possible to place all the
occupants of a village on a single genealogical chart. There are no
real problems of ownership of land among the Nuer.

36/ Some parts of Nuerland are blessed with better village sites than
others. Lou country is exceptionally well favoured in this respect
though Western Nuerland has many fine ridges. Lou people say
that in a year of *nywoc*, or high river-flood, their ridges remain dry

NUER RULES OF EXOGAMY AND INCEST

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community of kindred every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

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When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the exogamous ban, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

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Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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619 occupying exclusively a common territory. Thus the genealogical
 621 system runs right through the structure of the tribe and gives it
 a form which can be visualized by the Nuer in kinship terms. Each
 individual knows his position in that structure and therefore his relation
 to other persons in the tribe by reference to the segmentations of
 the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

671 The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',¹ for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

577 A Nuer thinks in terms of rights which he calls *cuong* and of wrongs
 602 which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

000 Given that there were rules of conduct, expressed in the terms

¹ Roscoe Pound, *An Introduction to the Philosophy of Law*.

RECENT LEGISLATION

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

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Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

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The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:

(a) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.

(b) The second result of the increase in blood-money is the reluctance of the chiefs to break war which is a system by which relations exchange cattle

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● 602 on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of war, but since the Fangak meeting chiefs are very reluctant to break war as the more so-called relations there are available to collect blood-money, the better.¹

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177 In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

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621 The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in war, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

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682 The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

¹ Unpublished administrative records (Eastern Nuer District), 1945.

STATUS OF PATER

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rate—up to ten head of cattle—if he wishes to legitimize it later. Chiefs said that he had a right to do so even if the girl's family objected, provided the woman had not been legally married to someone else in the meantime. 848

If a man pays legitimization fees and the child subsequently dies at an early age, all his cattle must be returned to him except a bull-calf and a cow-calf: in other words, the normal compensation for seduction of the girl, *ruok nyal*,¹ when no child is born as a result.²

8. CONCLUSION

The complexities of Nuer marriage and other forms of procreative union may appear chaotic. At first sight the relations of the sexes may even seem to be indiscriminate in the extreme. This is not so, and to the Nuer themselves there is rarely any confusion at all. The terminology which describes special relationships, special circumstances in marriage and descent, besides the normal terminology of kinship, is sufficient to place any man in his correct status both within his patrilineal descent group and in Nuer society as a whole. This status is determined from the status of the *pater*, and the basis of all marital relations lies in the relatively stable position of the *pater*. It is true that the *pater* is sometimes changed, but not without the passage of cattle from one group to another, an event which stamps the change indelibly in the minds of the people concerned. This legal principle runs through the whole structure of Nuer society because it is the basis of the lineage organization upon which other and larger units of society are built. A Nuer finds his position in the lineage through his legal father or *pater* and from no one else, and, as a member of his father's lineage, can ultimately be placed in correct relationship to the members of other lineages within his tribal segment and through them to the tribe. He is a member of a patrilineal descent group (*thok dwiel*), and that group has a recognized position in the community, which is composed of similar lineages. He has through his *pater* a position in the lineage which provides the means for social, economic and political security. 848 602

There is adequate literature on this subject, and it is not the purpose of this book to enter into the details of the structure of Nuer society. It must be emphasized again, however, that a full understanding of Nuer law, both the customary law operated by sanctions prevailing in the past and the law now operated by the courts when those sanctions tend to fail, is impossible without a full understanding of the political and social organization of the Nuer. Law is after all only a feature of that organization as well as a means through which the 800

¹ See under Violation of Rights in Women, Chapter IV, Section 2.

² Extracts from minutes of Nuer Chiefs' Council, 1945.

ARABLE LAND

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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.¹ Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

¹ During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

PROPERTY RIGHTS

476 and well beyond the limits of the reciprocal distribution of bridewealth
 602 cattle, but I do not wish to exaggerate the extent or effectiveness of
 438 economic reciprocity in the kinship system. In the past as well as
 the present, grain and other food were bartered for cattle, other animal
 stock, and other commodities, and there was considerable trade, which
 increased in volume in years of famine. Nowadays, with the introduc-
 tion of a money economy, grain is bought with cash either from other
 Nuer or from Arab merchants, who, sponsored by the Government,
 often import large quantities to meet local shortages.

621 A stranger cannot intrude himself into a community or build his
 609 house and clear his fields without its acceptance. Not only will
 objections be raised which might lead to his ejection, but he could
 not hope to gain full membership of the community and the advantages
 which follow. This does not, however, usually arise because strangers
 are nearly always a welcome addition to the community, which thereby
 gains in strength, and because the newcomer can nearly always claim
 some previous link arising from kinship, marital ties, or at any rate
 close friendship (*math*), with one or more members of that com-
 munity. In any case a form of social relationship will be forged in
 the passage of time by intermarriage and adoption into the lineage
 structure of the community. A change of residence, if it is permanent,
 means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature
 of their economy, at any rate in many parts of Nuerland, and because,
 despite the obvious limitations of flood-free land, there is no great
 shortage, there are no complex laws of land tenure. Disputes are
 rare, and still more rarely taken before the courts.¹ Thus, though
 circumstances may change with the development of agricultural enter-
 prise, land tenure is not at present an important or well-defined feature
 of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements
 233 and quartered in cattle-byres (*luak*), each family unit having its own.
 361 The *luak* is the centre of the family group consisting of the head of
 the family and his wives, who, each with her children, occupy separate
 huts which are clustered around it. Grazing is used communally by
 all members of the settlement, and although pastures are limited,
 especially at the height of the rains, and although there may be periodic
 shortages when the cattle lose condition, no more precise division of
 the territory is necessary. Disputes rarely, if ever, arise, and in the
 herding of cattle the members of one settlement are united by common

¹ The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

FISHING AND HUNTING

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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people.

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spears, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.¹ Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes.

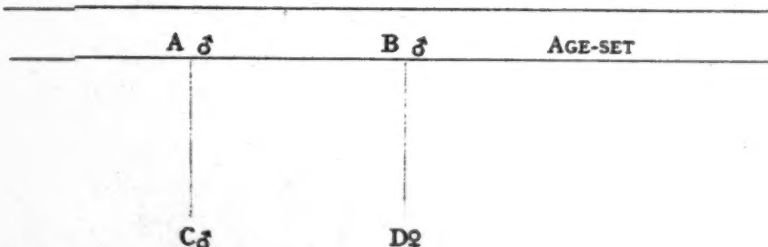
Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant

¹ As in homicide it is the first spearer who is held responsible for the animal's death.

561 goat, and Tot gave the husband's father a male sheep. It may be doubted,
 582 nevertheless, whether such a marriage would have been regarded as
 [832] correct by the older generation. I was told, however, that a man would
 not hesitate to flirt with, or make love to, female children of his father's
 age-mates without intention of marrying them, and it is evident that the
 restriction has nothing like the same force as that on the marriage between
 men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
 182 regulates the behaviour of members of a community towards one another.
 It acts together with the kinship system in determining everybody's
 attitude towards everybody else, so that the behaviour of each to each
 other is known beforehand, since it is evoked by their status in relation
 to one another. We have already seen how by a fiction which recognises
 adoption as true kinship and by the value attached to descent through
 the mother as well as through the father, a Nuer community comprises
 a network of interrelations of a kinship type which are spoken about in
 genealogical terms. These, however, leave authoritarian status largely
 ill-defined, and as is usual in societies where rank is unknown leadership
 is based on social recognition of biological differences of sex and age.
 In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
 602 set system is expressed in the ideology of family and kin as we have
 observed and tends to be spoken of as "fathers," "brother," "sons."
 Doubtless, this association lends weight to the institution of age-sets
 and makes them easy for an individual to understand and take part in.
 Talking to Nuer about their age-sets, one receives a marked impression
 that the notions associated with them are the familiar notions of family

life. Certainly the Nuer always speaks of them in terms of family and kin. Not only does he speak of his "fathers" and "sons," but he speaks about members of age-sets senior to his own but not of his father's age-set as though they were his fathers-in-law and their wives his mothers-in-law. These peoples must be respected because their daughters are your lovers and one day may be your wives. Thus a *Lithgac* son of a *Maker* father will regard members of the *Dangunga* age-set and their wives as potential mothers- and fathers-in-law.

The analysis presented in this paper may appear difficult, perhaps unconvincing, when stated in abstract terms, but observe how daily contacts and occupations in a Nuer cattle-camp operate smoothly and how their smooth working is partly a result of social stratification by age. We have seen how the question of who shall perform tasks connected with the monotonous task of cattle-raising is settled by the clear cleavage between the duties of men and the duties of boys. In the many situations that arise in the daily life of cattle-camps, one has opportunity to see how the young give way to the old and listen without interrupting to their advice and admonition in disputes and discussions of all kinds. They will order the younger men to perform services for them and will lecture them upon shortcomings; and the extraordinary pride of a Nuer, the object of ceaseless astonishment to Europeans, no matter how long they have resided in the country, is not injured by orders and admonition from a man of a senior age-set. One observes that the frequent quarrels in a Nuer cattle-camp are between members of the same age-set, and for a man to struggle with the members of a junior age-set would be ignoble for both alike. Everybody's behaviour to everybody else is thus defined on rough, general lines in the daily range of their contacts. In your relations with A he must pay deference to you since he belongs to an age-set junior to your own. On the other hand when you meet B you must defer to his opinion and you may do as he asks you to do without losing your dignity. Boys are everybody's servants. You have left your spear in your windscreen when you have been visiting friends and you want someone to bring it to you. You look round and see C, a boy, and you tell him to go and fetch it. Then there is D, who is of the same age-set as yourself. He is your comrade and your equal. He can say anything he likes to you and you can reply to him as you like. Your equality is shown as much in your quarrels as in your fellowship. It is

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28 SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER

611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of
593 sons and in the case of daughters. The pater's kin want the sons to live
562 in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 (E) Types of procreative unions and families are classed by the nature
611 of the social tie that links children to their pater, and of the social relation-
593 ship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 (F) I do not more than draw attention here to the effect on kinship
602 structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 583 602

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages. 121

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny. 124

Nyueny is a typical Nuer village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest 361

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602 ●

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simple legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emerged clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family
herd, which belongs to the father, and he only has disposal over cattle by
permission of his father or as his father's heir. But when a man has
married a wife to the name of his paternal uncle, or to the name of his
brother, the son whom he begets is his father's brother's son, or his
brother's son, and belongs to a different family and potentially to a differ-
ent *gol* (household) to the man who has begotten him. When this son
grows up his legal personality is not therefore merged in that of his genitor
but in that of his dead pater whose status he assumes and whose property
rights he inherits. If the pater left cattle the genitor ought to have held
these cattle in trust for his son. Even if the pater, as is often the case, had
no cattle when he died, he had potential rights in the herd and these rights
his son inherits. Moreover he is almost certain to have had rights in the
bride-wealth of female kinswomen and as these cattle became due to him
they ought to have been held in trust for his son. The genitor has no
legal rights over these cattle. Consequently if a son born in the union of
ghost-marriage does not agree with the man who stands in the place of his
pater, he is able more easily to take up an independent position, by
assuming his pater's status, than a son born in the union of simple legal
marriage. The one is already the head of a *gol*. The other only becomes
the head of a *gol* on his pater's death. The genitor of a ghost-child is not
his pater but a fellow-kinsman and to some extent a peer, and without the
legal authority that a pater has over his son. However, I know of no
serious dispute between a son born of ghost-marriage and his genitor for
the genitor stands in the place of the pater and has the same desire to see
his sons happy and wealthy. A son is generally content to let his genitor
use his cattle as the genitor pleases during his boyhood, being well
assured that when he is old enough to marry he will be well provided for
and that far from the genitor's legal sons being favoured at his expense it
is he who will receive priority.

604 When a man marries a wife to the name of his maternal uncle a more
428 delicate and complicated set of interrelations are brought about. Such a
marriage usually takes place when the dead maternal uncle has no close
agnatic kinsman, and the sister's son often marries him a wife with part
of his maternal uncle's herd and takes charge of the remainder of it. In
childhood the relations between parents and children are the same as
those between members of a ghost-family in which pater and genitor are
agnatic kinsmen, but when the sons grow up differences between them
and their genitor are likely to be more acute if the genitor has abused his
position of guardian and trustee. For whilst it is no great abuse of trust
for a close agnatic kinsman of the pater to use the pater's cattle for his
own purposes since he is a proper substitue for the pater in the sense that
they belong to the same agnatic, and therefore cattle-group, the sister's
son belongs to a different kinship group to the pater and one that does not
herd its cattle in common with the pater's people nor share the obligations
of mutual assistance and blood-revenge. When the daughters he begets

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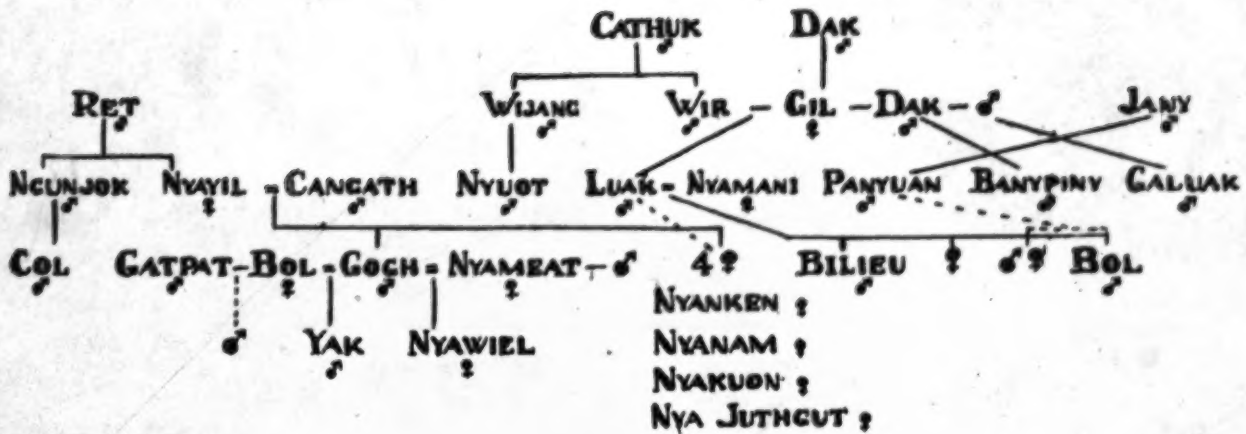


Diagram IX

64 SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER

589 village are given matronymics instead of patronymics. Thus at Nyueny
 591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruthni ♀
 611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
 551 villages of their paters one would speak of them by their true patronymics.
 One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to
 after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀",
 because they live in the village of their maternal kinsmen. The same
 nomenclature is to be observed when a son of an unmarried concubine
 lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to
 overleaf.

542 Another point of importance which is very obvious from the facts
 related in this paper is that marital and domestic conditions among the
 Nuer indicate the high position of women in their society. The matter
 cannot be discussed at length here and I will only remark that the facts
 cited show how freely women move among the Nuer. We have seen that
 widows settle with lovers without hindrance, that many girls rear a family
 without consenting to marriage, and woman always take their small
 children with them when they change households, and that sometimes
 they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced
 through the mother, for the rule is that in virtue of payment of bride-
 wealth all who are born of the mother are children of her husband. Thus
 all the children of a woman may be children of a man whom their mother
 has never even seen. Or a woman may bear children by many men yet
 they all have one pater. Or, yet again, a woman may bear a child by a
 man to whom she is not married and to whom she never will be married,
 but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity
 to, and thereby explains, the heterogeneous social elements isolated and
 described in this paper. I refer to the agnatic principle that is one of the
 most fundamental principles of Nuer social organization. It runs through
 the whole gamut of social relations, from ecological relations at one end
 of the scale to cosmological relations at the other end. This principle is
 not merely that every man must have a pater, and that he traces his
 descent through his pater, inherits from his pater, and succeeds to his
 pater's status. These are contained in the principle and are an expression
 of it, but, in our opinion, the agnatic principle among the Nuer is essen-
 tially the tendency of attachment to agnatic groups or lineages. By such
 attachment a man becomes a social being for his social personality is
 acquired from his attachment to these groups, from which he derives also,
 through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct
 opposition to this principle. Thus if we take the Jany (Kwenwar) cluster
 at Nueny it is evidently an aggregate of cognates and affines. The same
 social conditions can probably be found in every Nuer village. The
 underlying agnatic principle is therefore in glaring contrast to social
 actualities. But the actualities are always changing and passing while
 the principle endures.

SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER 65

The social configuration of the Jany (Kwenwar) cluster of today will not be the social configuration of tomorrow. As we have seen, the sons of Kwenwar may join their agnatic kinsmen in Lang country. The sons of Jany told me that one day they will leave Nyueny and return to Puic where they can sit in the shade of the tree beneath which their father sat. The sons of Nyaruithni ♀, Nyawal ♀, and Nyaudol ♀ will probably join the kinsmen of their pater. Nhial and Galuak, sons of Rainen, will probably one day join their agnatic kinsmen, the Jikul.

Moreover, if a man remains permanently with a cluster of people who are not his agnatic kinsmen he makes them such by the simple procedure of turning cognates into agnates, i.e. he makes the actualities conform to the principle. He does this by treating the matrilineal link as though it were a patrilineal one. The woman who links a descent group to the lineage among whom they live is reckoned as though she were a man. "She has become a man" as the Nuer themselves say. We see the commencement of this process in the invariable indication of sisters' sons by their maternal kinsmen, if they reside at their mother's homes, by reference to the name of their mothers. The end process is seen in genealogies when a man traces his descent to the dominant lineages of his district through one or more women, so that when he gives you his descent he treats these women as though they were men and if they are not clearly distinguished by a feminine prefix they may even become men.

Our survey of domestic conditions at Nyueny showed everywhere change and confusion. One enquires how so mercurial a system can work. Has there not been some deep error, some serious misunderstanding, in the investigation? I think not. The change and confusion which are so evident in family and domestic associations are not to be seen in the larger social groups, particularly in the lineages. The dynamic social process is there slowed down and is stabilised into structure. For it is very apparent that there are two kinship configurations of persons among the Nuer: the one consisting of their domestic interrelations and the other their legal relationships. The domestic interrelations have a relatively low degree of consistency and durability compared with the legal and, in our sense of the word, structural, interrelations.

Living among Nuer it is deeply impressed on one that the lineages are the stable framework of kinship structure and that families, even simple legal families, are, in comparison, loose and unstable associations which are the means by which new structural tissues are formed. Individuals and "family" associations of one kind and another seem to float about, as it were, and have an independent existence. But they are anchored to some lineage, or, if they break away from it sooner or later attached themselves to another lineage, take root in its stem, and become part of its growth.

THE NUER, TRIBE AND CLAN (SECTIONS I-IV)

13

Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that "tribe" among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no ~~cut~~ between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ~~ceased to function~~. It is clear, if this is the case, that "tribe" must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage.

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together

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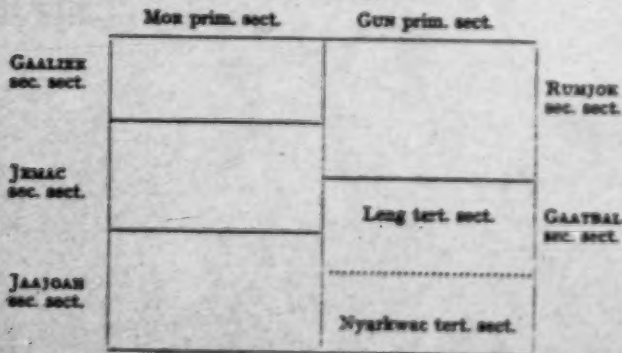
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as a blood-revenge group? Moreover, as will be seen later, Nuer kinship groups are always being diluted by assimilation of unrelated elements, and the tendency is for community of living to supplant community of blood as the functioning element in Nuer society.

We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans) :—

DIAGRAM NO. II.

LOU TRIBE.



DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *jaang*.

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners.

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.⁽¹⁾ In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes.

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.⁽²⁾

A *Dinka* adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer.

Strangers may be attached to the dominant clan by adoption or by marriage.

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community.

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p. 370.

(2) *Ibid.*, p. 390.